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B-87636

August 4, 1949

The Honorable

The Secretary of Commerce

My dear Mr. Secretary:

Reference is made to your letter of July 6, 1949, stating that a delivery truck belonging to your Department was damaged to the extent of \$400 or \$500 in a collision with a privately-owned truck and that the insurance company representing the owner of the privately-owned truck has offered (1) to replace your Department's truck with a vehicle of equal condition, prior to collision, and of equal or less age; or (2) to make a cash settlement equal to the cost of replacement of the vehicle.

The said letter further states that:

"Your decision is requested as to whether or not the Weather Bureau may legally accept the first proposition, which would appear to be to the advantage of the Weather Bureau since the amount of the cash settlement would presumably have to be deposited to the credit of 'Miscellaneous Receipts' unless it can be considered as 'proceeds of the sale' of old equipment under authority of Section 8 of the Act of August 2, 1946 (60 Stat. 808) and the amount applied to the purchase of a new truck. Your decision on that point is also requested."

Regarding your question concerning a settlement under which the insurance company would replace the damaged vehicle with a vehicle of equal value prior to the collision, you are advised that this Office perceives no objection to the acceptance of such offer.

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With respect to the question as to the application of moneys recovered as damages on account of an accident toward the purchase price of replacement equipment, it was held in 26 Comp. Gen. 618, quoting from the syllabus, that:

"The recovery of damages on account of an accident between a Government-owned vehicle and a privately owned truck is not a sale or exchange of the vehicle as contemplated by section 8 of the administrative expense statute of August 2, 1946, pursuant to which exchange allowances or proceeds of sales may be applied in whole or in part payment toward the purchase price of new vehicles; instead, the amount recovered should be deposited and covered into the Treasury as miscellaneous receipts as required by section 3617, Revised Statutes."

Your questions are answered accordingly.

Sincerely yours,

(s) Lindsay C. Warren

Comptroller General
of the United States

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A-23834

Aug. 24, 1928

The Honorable

The Secretary of the Interior

Sir:

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Referring to your letter of July 20, 1928, in regard to the claim of [REDACTED] for refund of retirement deductions made under the retirement acts of May 22, 1920, 41 Stat. 614, and July 3, 1926,, 44 id. 904, I inclose copy of decision setting off the amount found due as refund of the retirement deductions against the amount of the Government's loss, for which the Post Office Department found claimant responsible.

The disbursing clerk of the Bureau of Pensions should be instructed to draw a check to the order of the Treasurer of the United States for the entire amount to the employee's credit in the retirement fund, to be deposited and covered into the Treasury as miscellaneous postal receipts without personal credit.

The record submitted with your letter is returned herewith.

Respectfully,

(s) J.R.McCarl.

Comptroller General
of the United States.

Inclosure

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